

REMARKS

Claims 1-70 are currently pending in the application. Claims 1-3, 7-11, 33-36 and 45-49 are rejected by Examiner under 35 U.S.C. §§ 102(b) and 103(a). Claim 11 is rejected by Examiner under 35 U.S.C. § 112, second paragraph. Claims 4-6 and 39-44 are objected to. Applicants have amended claims 1, 5, 6, 11, 33 and 40-42. Claims 1-11 and 33-49 (Group I) were elected for further prosecution. Claims 12-32 and 50-70 were canceled as drawn to a non-elected invention. Applicants have canceled claims 4, 12-32, 39 and 50-70.

Applicants appreciate Examiner's recognition of allowable subject matter in Claims 4-6 and 39-44.

Amendments

Applicants have amended Claims 1 and 33 to recite the organic anion to comprise a carboxylate of an amino-acid.

Applicants have canceled Claim 4.

Applicants have amended Claims 5 and 6 to depend on Claim 1.

Applicants have amended Claim 11 to clarify the claim.

Applicants have amended Claims 40-42 to depend on Claim 33.

Applicants have canceled Claims 12-32 and 50-70.

Election/Restrictions Under 35 U.S.C. 121

Examiner noted that a restriction was required since four, distinct inventions were covered in the application. During a telephone conversation between Mr. McWilliams and the Examiner on June 7, 2004, a provisional election was made without traverse to prosecute claims

1-11 and 33-49. Claims 12-32 and 50-70 were withdrawn from further consideration by the Examiner, 37 C.F.R. 1.142(b), as being drawn to a non-elected invention. These claims have been canceled by Applicant.

Rejections Under 35 U.S.C. § 112, second paragraph

Examiner rejected Claim 11 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner noted "The recitation Al^{3+} as a trivalent cation and optional trivalent cation (up to 50%) is confusing." Applicants have amended Claim 11 to recite the trivalent cation, M^{3+} comprises a mixture of Al^{3+} and up to 50% of at least one trivalent cation selected from Cr^{3+} and Fe^{3+} . Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. §§ 102(b) and 103(a)

Examiner rejected Claims 1-3, 7-11, 33-36 and 45-49 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Martin et al. (US 5,728,366). Martin does not disclose the organic anion comprising a carboxylate of an amino-acid. Original claims 4 and 39 of the application recite the organic anion comprising a carboxylate of an amino-acid. As suggested by the Examiner, claims were rewritten to include all of the limitations of the base claim and any intervening claims. Applicants have thereby amended independent Claims 1 and 33 to include these disclosures. Claims 4 and 39 are canceled as their limitations were included into Claims 1 and 33, respectively. Reconsideration is respectfully requested.

Examiner rejected Claims 1-3, 7-11, 33-36 and 45-49 under 35 U.S.C. §103(a) as obvious over Martin et al. (US 5,728,366) in view of Bonora (US 5,977,218) or Nosu et al. (US 6,313,208). None of Martin, Bonora or Nosu disclose the organic anion comprising a carboxylate of an amino-acid. Original claims 4 and 39 of the application recite that the organic anion comprising a carboxylate of an amino-acid. As suggested by the Examiner, claims were rewritten to include all of the limitations of the base claim and any intervening claims. Applicants have thereby amended independent Claims 1 and 33 to include these disclosures. Claims 4 and 39 are canceled as their limitations were included into Claims 1 and 33, respectively. Reconsideration is respectfully requested.

Examiner rejected Claims 1-3, 7-11, 33-36 and 45-49 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Martin et al. (US 5,728,366) and Bortolon et al. (US 6,437,049). Neither Martin nor Bortolon disclose the organic anion comprising a carboxylate of an amino-acid. Original claims 4 and 39 of the application recite the organic anion comprising a carboxylate of an amino-acid. As suggested by the Examiner, claims were rewritten to include all of the limitations of the base claim and any intervening claims. Applicants have thereby amended independent Claims 1 and 33 to include these disclosures. Claims 4 and 39 are canceled as their limitations were included into Claims 1 and 33, respectively. Reconsideration is respectfully requested.

Claim Objections

Examiner objected to Claims 4-6 and 39-44 as being dependent upon a rejected base claim, but indicated they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As suggested by the Examiner, Claim 1

was rewritten to include all of the limitations of the base claim and any intervening claims, and Claim 4 was canceled. Similarly, Claim 33 was rewritten to include all of the limitations of the base claim and any intervening claims, and Claim 39 was canceled. Reconsideration is respectfully requested.

Applicants respectfully submit that the current amendments overcome the rejection of Claims 1 and 33. Applicants further respectfully submit that because Claims 2, 3 and 5-11 depend from Claim 61, these claims are neither anticipated nor obvious. Similarly, Applicants further respectfully submit that because Claims 34-38 and 40-49 depend from Claim 33, these claims are neither anticipated nor obvious. Reconsideration is respectfully requested.

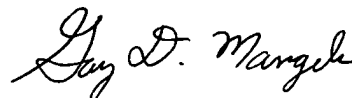
CONCLUSION

Applicants believe that the foregoing amendments and remarks have overcome or rendered moot all grounds for rejection or objection. There being no other rejections or objections, Applicants believe that the application is in a condition for allowance. Applicants therefore respectfully request prompt action on the claims and allowance of the application. If the Examiner believes that personal communication will expedite prosecution of the application, the Examiner is invited to telephone Applicants' undersigned agent directly.

AUTHORIZATION

Applicants believe that no extension of time is required to make submission of this response timely. However, in the event that an extension of time is required, Applicants hereby submit a petition for such extension of time as may be necessary to make this response timely. The Commissioner is hereby authorized to charge the necessary fees to deposit account No. 502194. A duplicate of this authorization is enclosed.

Respectfully Submitted,
BUCHANAN INGERSOLL PC



Gary D. Mangels
Registration Number: 55,424



Matthew P. McWilliams
Registration Number: 46,922

Buchanan Ingersoll PC
1835 Market Street, 14th Floor
Philadelphia, PA 19103-2985
Ph: (215) 665-3946
Fax: (215) 665-8760
Date: July 28, 2004

Customer No. 041068